

REMARKS

Claims 1-9 and 21-29 remain in the application. Claims 1-9 and 21-29 stand rejected. Claims 1, 21 and 27 have been amended.

Applicant believes the amendments don't add new matter.

Claim Objections

Claims have been amended to overcome the objections.

Rejections under 35 U.S.C. § 101

Applicant believes the amendments to claim 1 overcome the rejections.

Rejections under 35 U.S.C. § 103

The Office Communication of April 28, 2009, recites:

7. Claims 1-9, and 21- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boushy et al. US 6003013 in view of Pierce US 6332126 and Walker 20030027635.

End of Citation from Office Communication of April 28, 2009.

The rejection is respectfully traversed.

The Office Communication of April 28, 2009 recites,

Boushy discloses several offers based on updated profiles but **does not specifically disclose** “based upon at least the historical transaction information involving said patrons including the first patron and the current transaction activity of at least the first patron, sorting the two or more awards according to a likelihood of the first patron accepting each award; and outputting, based upon said sorting, at least one recommendation of an award to offer to the first patron.”

However Pierce, in the same computer-based targeted discount and incentives art, **discloses consumer transaction histories used to match qualified consumers to targeted merchant discount offers.** Offers are automatically prioritized based on their expected value to consumers and consumers receive the highest priority offers for which they qualify. (abstract; col. 2 lines 34-37). The default prioritization can be altered or overridden by the merchants system (abstract). Pierce also discloses, after matching offers to consumers, automatically notifying them of the best offers for which they qualify (col. 4 lines 55-57; Figure 1.8). In doing so, Pierce discloses the goal is to offer patrons the offers in which they will be most interested (Pierce, col. 2 lines 18-24).

The offers prioritizing in Pierce reads on offers sorting as claimed, (i.e. in order of importance, see definition per [http:// dictionary.reference.com/browse/prioritize](http://dictionary.reference.com/browse/prioritize), printout provided with the last Office Action). Since Pierce teaches patrons will be most interested in these offers, Peirce thus discloses ”sorting the two or more awards according to a likelihood of the first patron accepting each award” as claimed because logically patrons would be likely to accept what they are “most interested” in.

End of Citation From Office Communication of April 28, 2009.

Applicant believes that the Office Communication’s interpretation of Pierce are not consistent with the methods in Pierce described with respect to Figures 1.7, 1.8 and 1.9. The claims recite “based upon at least the historical transaction information involving said patrons including the first patron and the current transaction activity of at least the first patron, sorting the two or more awards according to a likelihood of the first patron accepting each award.” Pierce teaches in Col. 12:52-56, that “When a participating merchant makes a sale to qualifying cardholder who has received the merchants discount offer, the cardholder will receive the discount as an automatic credit without any further action (beyond normal credit sales processing) on behalf of either the merchant or the cardholder.” Pierce does not teach the first patron has an opportunity to accept or reject each award. In Pierce, if a player qualifies for an award they receive it whether they want it or not, the cardholder has no say. If the cardholder has no say, Applicant asks what would be the point in Pierce of “sorting the two or more awards according to a likelihood of the first patron accepting each award” when the player never is afforded an opportunity to accept or reject an offer.

The Office Communication indicates Boushy does not teach this limitation. Walker describes a customer may be afforded an opportunity to accept or reject an offer. However, Walker does not describe “sorting the two or more awards according to a likelihood of the first patron accepting each award.” Thus, for at least these reasons, the combination of Boushy, Walker and Pierce can not be said to render obvious the pending claims and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/David P. Olynick/
David P. Olynick
Reg. No.: 48,615

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100